

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

M.G.U, *et al.*

Plaintiffs,

v.

KIRSTJEN NIELSEN, *et al.*,

Defendants.

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No. 1:18-cv-01458 (PLF)

**UNOPPOSED MOTION FOR A STAY
OF CASE DEADLINES IN LIGHT OF
LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of all case deadlines in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including Defendant the U.S. Department of Homeland Security (“DHS”). The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of DHS are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all deadlines in this case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that they do not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all deadlines in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

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Dated: December 26, 2018

Respectfully submitted,

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Assistant Attorney General
WILLIAM C. PEACHEY
Director
WILLIAM C. SILVIS
Assistant Director

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[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' **UNOPPOSED MOTION FOR A STAY OF CASE DEADLINES IN LIGHT OF LAPSE OF APPROPRIATIONS**, and for good cause shown, it is hereby

ORDERED that Defendants' motion be, and hereby is, GRANTED. All deadlines in this case are hereby stayed until further order of this Court. Defendants will notify the Court as soon as Congress has appropriated funds for the Department.

SO ORDERED.

Date

PAUL L. FRIEDMAN
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of December 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will automatically serve all counsel of record with a copy of said document.

/s/ Sarah B. Fabian
SARAH B. FABIAN
Senior Litigation Counsel
U.S. Department of Justice